



House of Representatives

General Assembly

File No. 528

January Session, 2013

House Bill No. 6482

House of Representatives, April 16, 2013

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING BIRTH CERTIFICATES FOR HOMELESS YOUTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-36 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 As used in this chapter and sections 19a-40 to 19a-45, inclusive,
4 unless the context otherwise requires:

5 (1) "Registrar of vital statistics" or "registrar" means the registrar of
6 births, marriages, deaths and fetal deaths or any public official charged
7 with the care of returns relating to vital statistics;

8 (2) "Registration" means the process by which vital records are
9 completed, filed and incorporated into the official records of the
10 department;

11 (3) "Institution" means any public or private facility that provides
12 inpatient medical, surgical or diagnostic care or treatment, or nursing,

13 custodial or domiciliary care, or to which persons are committed by
14 law;

15 (4) "Vital records" means a certificate of birth, death, fetal death or
16 marriage;

17 (5) "Certified copy" means a copy of a birth, death, fetal death or
18 marriage certificate that (A) includes all information on the certificate
19 except such information that is nondisclosable by law, (B) is issued or
20 transmitted by any registrar of vital statistics, (C) includes an attested
21 signature and the raised seal of an authorized person, and (D) if
22 submitted to the department, includes all information required by the
23 commissioner;

24 (6) "Uncertified copy" means a copy of a birth, death, fetal death or
25 marriage certificate that includes all information contained in a
26 certified copy except an original attested signature and a raised seal of
27 an authorized person;

28 (7) "Authenticate" or "authenticated" means to affix to a vital record
29 in paper format the official seal, or to affix to a vital record in electronic
30 format the user identification, password, or other means of electronic
31 identification, as approved by the department, of the creator of the
32 vital record, or the creator's designee, by which affixing the creator of
33 such paper or electronic vital record, or the creator's designee, affirms
34 the integrity of such vital record;

35 (8) "Attest" means to verify a vital record in accordance with the
36 provisions of subdivision (5) of this section;

37 (9) "Correction" means to change or enter new information on a
38 certificate of birth, marriage, death or fetal death, within one year of
39 the date of the vital event recorded in such certificate, in order to
40 accurately reflect the facts existing at the time of the recording of such
41 vital event, where such changes or entries are to correct errors on such
42 certificate due to inaccurate or incomplete information provided by the
43 informant at the time the certificate was prepared, or to correct

44 transcribing, typographical or clerical errors;

45 (10) "Amendment" means to (A) change or enter new information
46 on a certificate of birth, marriage, death or fetal death, more than one
47 year after the date of the vital event recorded in such certificate, in
48 order to accurately reflect the facts existing at the time of the recording
49 of the event, (B) create a replacement certificate of birth for matters
50 pertaining to parentage and gender change, or (C) reflect a legal name
51 change in accordance with section 19a-42 or make a modification to a
52 cause of death;

53 (11) "Acknowledgment of paternity" means to legally acknowledge
54 paternity of a child pursuant to section 46b-172;

55 (12) "Adjudication of paternity" means to legally establish paternity
56 through an order of a court of competent jurisdiction;

57 (13) "Parentage" includes matters relating to adoption, gestational
58 agreements, paternity and maternity;

59 (14) "Department" means the Department of Public Health;

60 (15) "Commissioner" means the Commissioner of Public Health or
61 the commissioner's designee;

62 (16) "Gestational agreement" means a written agreement for assisted
63 reproduction in which a woman agrees to carry a child to birth for an
64 intended parent or intended parents, which woman contributed no
65 genetic material to the child and which agreement (A) names each
66 party to the agreement and indicates each party's respective
67 obligations under the agreement, (B) is signed by each party to the
68 agreement and the spouse of each such party, if any, and (C) is
69 witnessed by at least two disinterested adults and acknowledged in
70 the manner prescribed by law;

71 (17) "Intended parent" means a party to a gestational agreement
72 who agrees, under the gestational agreement, to be the parent of a
73 child born to a woman by means of assisted reproduction, regardless

74 of whether the party has a genetic relationship to the child; [and]

75 (18) "Foundling" means (A) a child of unknown parentage, or (B) an
76 infant voluntarily surrendered pursuant to the provisions of section
77 17a-58; [.] and

78 (19) "Certified homeless youth" means a person who is at least
79 fifteen years of age but less than eighteen years of age, is not in the
80 physical custody of a parent or legal guardian, who is a homeless child
81 or youth, as defined in 42 USC 11434a, as amended from time to time,
82 and who has been certified as homeless by (A) a school district
83 homeless liaison, (B) the director of an emergency shelter program
84 funded by the United States Department of Housing and Urban
85 Development, or the director's designee, or (C) the director of a
86 runaway or homeless youth basic center or transitional living program
87 funded by the United States Department of Health and Human
88 Services, or the director's designee.

89 Sec. 2. Section 7-51 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2013*):

91 (a) The department and registrars of vital statistics shall restrict
92 access to and issuance of a certified copy of birth and fetal death
93 records and certificates less than one hundred years old, to the
94 following eligible parties: (1) The person whose birth is recorded, if
95 such person is (A) over eighteen years of age, or (B) a certified
96 homeless youth, as defined in section 7-36, as amended by this act; (2)
97 the person whose birth is recorded, if such person is a minor
98 emancipated pursuant to sections 46b-150 to 46b-150e, inclusive; [(2)]
99 (3) such person's children, grandchildren, spouse, parent, guardian or
100 grandparent; [(3)] (4) the chief executive officer of the municipality
101 where the birth or fetal death occurred, or the chief executive officer's
102 authorized agent; [(4)] (5) the local director of health for the town or
103 city where the birth or fetal death occurred or where the mother was a
104 resident at the time of the birth or fetal death, or the director's
105 authorized agent; [(5)] (6) attorneys-at-law representing such person or
106 such person's parent, guardian, child or surviving spouse; [(6)] (7) a

107 conservator of the person appointed for such person; [(7)] (8) members
108 of genealogical societies incorporated or authorized by the Secretary of
109 the State to do business or conduct affairs in this state; [(8)] (9) agents
110 of a state or federal agency as approved by the department; and [(9)]
111 (10) researchers approved by the department pursuant to section 19a-
112 25. Except as provided in section 19a-42a, access to confidential files on
113 paternity, adoption, gender change or gestational agreements, or
114 information contained within such files, shall not be released to any
115 party, including the eligible parties listed in this subsection, except
116 upon an order of a court of competent jurisdiction.

117 (b) No person other than the eligible parties listed in subsection (a)
118 of this section shall be entitled to examine or receive a copy of any
119 birth or fetal death record or certificate, access the information
120 contained therein, or disclose any matter contained therein, except
121 upon written order of a court of competent jurisdiction. Nothing in this
122 section shall be construed to permit disclosure to any person,
123 including the eligible parties listed in subsection (a) of this section, of
124 information contained in the "information for health and statistical use
125 only" section or the "administrative purposes only" section of a birth
126 certificate, unless specifically authorized by the department for
127 statistical or research purposes. The Social Security number of the
128 parent or parents listed on any birth certificate shall not be released to
129 any party, except to those persons or entities authorized by state or
130 federal law. Such confidential information, other than the excluded
131 information set forth in this subsection, shall not be subject to
132 subpoena or court order and shall not be admissible before any court
133 or other tribunal.

134 (c) (1) The registrar of the town in which the birth or fetal death
135 occurred or of the town in which the mother resided at the time of the
136 birth or fetal death, or the department, may issue a certified copy of the
137 certificate of birth or fetal death of any person born in this state which
138 is kept in paper form in the custody of the registrar. [Such] Except as
139 provided in subdivision (2) of this subsection, such certificate shall be
140 issued upon the written request of an eligible party listed in subsection

141 (a) of this section. Any registrar of vital statistics in this state with
142 access, as authorized by the department, to the electronic vital records
143 system of the department may issue a certified copy of the
144 electronically filed certificate of birth or fetal death of any person born
145 in this state upon the written request of an eligible party listed in
146 subsection (a) of this section.

147 (2) In the case of a certified homeless youth, such certified homeless
148 youth and the person who is certifying the certified homeless youth as
149 homeless, as described in section 7-36, as amended by this act, shall
150 appear in person when the certified homeless youth is presenting the
151 written request described in subdivision (1) of this subsection at (A)
152 the office of the registrar of the town in which the certified homeless
153 youth was born, (B) the office of the registrar of the town in which the
154 mother of the certified homeless youth resided at the time of the birth,
155 (C) if the birth certificate of the certified homeless youth has been
156 electronically filed, any registrar of vital statistics in the state with
157 access, as authorized by the department, to the electronic vital records
158 system, or (D) the state vital records office of the department. The
159 certified homeless youth shall present to the registrar or the
160 department information sufficient to identify himself or herself as may
161 be required by regulations adopted by the commissioner pursuant to
162 section 7-41. The person who is certifying the certified homeless youth
163 as homeless shall present to the registrar or the department
164 information sufficient to identify himself or herself as meeting the
165 certification requirements of section 7-36, as amended by this act.

166 (d) The department and each registrar of vital statistics shall issue
167 only certified copies of birth certificates or fetal death certificates for
168 births or fetal deaths occurring less than one hundred years prior to
169 the date of the request.

170 Sec. 3. Section 46b-150d of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective October 1, 2013*):

172 An order that a minor is emancipated shall have the following
173 effects: (1) The minor may consent to medical, dental or psychiatric

174 care, without parental consent, knowledge or liability; (2) the minor
 175 may enter into a binding contract; (3) the minor may sue and be sued
 176 in such minor's own name; (4) the minor shall be entitled to such
 177 minor's own earnings and shall be free of control by such minor's
 178 parents or guardian; (5) the minor may establish such minor's own
 179 residence; (6) the minor may buy and sell real and personal property;
 180 (7) the minor may not thereafter be the subject of (A) a petition under
 181 section 46b-129 as an abused, neglected or uncared for child or youth,
 182 (B) a petition under section 46b-128 or 46b-133 as a delinquent child for
 183 any act committed before the date of the order, or (C) a petition under
 184 section 46b-149 alleging that the minor is a child from a family with
 185 service needs; (8) the minor may enroll in any school or college,
 186 without parental consent; (9) the minor shall be deemed to be over
 187 eighteen years of age for purposes of securing an operator's license
 188 under section 14-36 and a marriage license under subsection (b) of
 189 section 46b-30; (10) the minor shall be deemed to be over eighteen
 190 years of age for purposes of registering a motor vehicle under section
 191 14-12; (11) the parents of the minor shall no longer be the guardians of
 192 the minor under section 45a-606; (12) the parents of a minor shall be
 193 relieved of any obligations respecting such minor's school attendance
 194 under section 10-184; (13) the parents shall be relieved of all obligation
 195 to support the minor; (14) the minor shall be emancipated for the
 196 purposes of parental liability for such minor's acts under section 52-
 197 572; (15) the minor may execute releases in such minor's own name
 198 under section 14-118; [and] (16) the minor may enlist in the armed
 199 forces of the United States without parental consent; and (17) the
 200 minor may access or obtain a certified copy of a birth certificate under
 201 section 7-51, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	7-36
Sec. 2	October 1, 2013	7-51
Sec. 3	October 1, 2013	46b-150d

PH *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Public Health, Dept.	GF - Potential Revenue Gain	0 - 300	0 - 300

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Municipalities	Potential Revenue Gain	0 - 200	0 - 200

Explanation

The bill, which gives certified homeless youths under 18 and emancipated minors the ability to obtain certified copies of their birth certificates, results in an annual, potential General Fund revenue gain of up to \$300 from the Department of Public Health (DPH) and up to \$200 from various municipalities. It is anticipated that each year no more than 10 such individuals will request copies of their birth certificates from DPH, paying a fee of \$30 per copy, and no more than 10 such individuals will do so from various town clerks or registrars of vital statistics, paying a fee of \$20 per copy.

The Out Years

The fiscal impact identified above would continue into the future subject to the number of certified homeless youths and emancipated minors that request a copy of their birth certificate from DPH or a municipality.

Sources: Department of Public Health's State Vital Records Office

OLR Bill Analysis**HB 6482*****AN ACT CONCERNING BIRTH CERTIFICATES FOR HOMELESS YOUTH.*****SUMMARY:**

This bill allows certified homeless youth and emancipated minors to access or receive their birth certificates. It sets conditions for how youth are certified as homeless and how they can access their birth certificates.

Current law does not allow minors access to their birth certificates (but their parents, guardians, and certain other family members can obtain birth certificates for them).

EFFECTIVE DATE: October 1, 2013

CERTIFIED HOMELESS YOUTH

Under the bill, a certified homeless youth is a 15- to 17-year old person, not in the physical custody of a parent or legal guardian, who is a homeless child or youth as defined in specified federal law (see BACKGROUND), and certified as homeless by one of the following:

1. a school district homeless liaison;
2. the director of an emergency shelter program funded by the U.S. Department of Housing and Urban Development, or the director's designee; or
3. the director of a runaway or homeless youth basic center or transitional living program funded by the U.S. Department of Health and Human Services, or the director's designee.

Under the bill, when a certified homeless youth is requesting his or

her birth certificate, the youth must be accompanied by the person certifying him or her as homeless. The youth must present a written request to:

1. the registrar's office of the town where the youth was born;
2. the registrar's office of the town where the youth's mother resided at the time of birth;
3. if the birth certificate has been electronically filed, any registrar of vital statistics in the state with access to the electronic vital records system, as authorized by the Department of Public Health (DPH); or
4. DPH's Vital Records Office.

The bill requires the certified homeless youth to present to DPH or the registrar sufficient identifying information as DPH regulations may require. The person certifying the youth as homeless must also present sufficient information to indicate that he or she meets the certification requirements.

BACKGROUND

Federal Definition of Homeless Youth

In the federal public health and welfare statute, "homeless children and youths" are defined, for purposes of certain education programs, as individuals who lack a fixed, regular, and adequate nighttime residence. This includes:

1. children and youths who are (a) sharing other people's housing due to loss of housing, economic hardship, or a similar reason; (b) living in motels, hotels, trailer parks, or camp grounds due to the lack of alternative adequate accommodations; (c) living in emergency or transitional shelters; (d) abandoned in hospitals; or (e) awaiting foster care placement;
2. children and youths with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a

regular sleeping accommodation;

3. children and youths living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. migratory children (such as children of certain migratory agriculture workers or fishers who are living in the circumstances described above) (42 USC § 11434a).

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 18 Nay 9 (04/02/2013)